



St. Charles Hospital

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May 23, 2005

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Charles Zafonte
Multimedia Enforcement Coordinator
Compliance Assistance & Program Support Branch
Division of Enforcement & Compliance Assistance
USEPA - Region 2
290 Broadway
New York, New York 10007

Dear Mr. Zafonte:

Enclosed is a copy of the St. Charles Hospital Environmental Audit Disclosure Report (the "Report") and a letter from our attorney, Stacey Gulick, regarding the Hospital's status on completing each of the corrective actions identified in the Report. We continue to move forward with these corrective actions and will update you in the near future regarding our efforts.

Thank you for your consideration of this matter and please do not hesitate to contact Ms. Gulick at 516-393-2264 if you have any questions or concerns.

Sincerely,

Charles

James O'Connor
Executive Director

Gail Ann Donheiser, RN, LNC
Director of Risk Management
and Compliance

Citation	Description of Non-Compliance	Corrective Action
1. 6 NYCRR Part 201, Article 19 Title V Facility Permit ID 1-4722-00557/00006	Current and valid Title V Air Facility Permit for St. Charles is unavailable. Expiration date of available permit document is 10/06/2004.	Contact New York State Department of Environmental Conservation (DEC) to determine status of current permit. Ensure current permit description does not include inactivated sources and does include all active sources at the facility. Spoke to DEC and sending copy of renewal application in 2004— under review by DEC.
2. 40 CFR 82.156(i)	St. Charles has not determined the quantity and location of CFC containing appliances containing over 50 pounds of Class I or II refrigerants.	Conduct an inventory of on-site air conditioning and refrigeration systems and establish CFC status of each. Corrective action complete

per DEC
web site,
St Charles has
Title V permit

II. Water Programs

St. Charles discharges sanitary and process wastewaters to a municipal sanitary sewer system operated by the Suffolk County Department of Public Works (SCDPW). A current and valid Discharge Certificate is in place for St. Charles that permits sanitary discharges only. The permit prohibits discharges of "x-ray chemicals, formalin, solvents, radioactive waste or any other toxic or hazardous waste." Small quantities of chemicals that contain hazardous constituents are discharged into sink and floor drains at various locations at the hospital. Waste chemicals generated in the laboratory, including xylene, alcohol, formalin, and stains from tissue processing, are collected for off-site transportation and disposal. Grease traps connected to kitchen waste piping are serviced by Wind River Environmental LLC of Ronkonkoma NY.

St. Charles obtains drinking water from the Suffolk County Water Authority (SCWA). St. Charles has backflow prevention equipment installed on incoming water supply lines. Backflow preventers are tested annually by certified inspectors and the results transmitted to SCWA.

Aboveground petroleum storage at St. Charles consists solely of hydraulic oil reservoirs on elevators and trash compactors. Because aboveground storage capacity does not exceed a 1,320 gallon threshold established by the Clean Water Act (CWA), the facility is not required to prepare and implement a Spill Prevention Control and Countermeasure (SPCC) Plan.

Programs	Findings
40 CFR 122 EPA Administered Permit Programs: The National Pollutant Discharge Elimination System	Not Applicable
40 CFR 141, 142, 143 National Drinking Water Regulations	No Finding
40 CFR 144 Underground Injection Control ("UIC" Program)	1 Finding
40 CFR 145 State UIC Program Requirements	Not Applicable
40 CFR 146 UIC Program: Criteria and Standards	Not Applicable
40 CFR 147 State UIC Programs	Not Applicable
40 CFR 148 Hazardous Waste Injection Restrictions	Not Applicable
40 CFR 403 General Pretreatment Regulations for Existing and New Sources	No Findings

Citation	Description of Non-Compliance	Corrective Action
3. 40 CFR 144.11 Prohibition of unauthorized injection	Direct discharges from building equipment include non-contact cooling water from three cooling towers into the on-site discharge basin and boiler blowdown from the stand-by boiler into an on-site dry well. These discharges are prohibited by federal underground injection control program requirements.	Recommend St Charles discontinue discharges or obtain State Pollutant Discharge Elimination System (SPDES) permit approval to allow such discharges. To call town to get approval – need extension.

Programs	Findings
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Programs	Findings
40 CFR 112 Oil Pollution Prevention	No Findings

III. Pesticide Programs

St. Charles retains an external vendor (AA Quality Pest Control of Hicksville, NY) for interior and exterior pest control and pesticide application at the main hospital campus. Biocides, which are classified by NYSDEC as pesticides, are used to treat cooling tower water at St. Charles. An external vendor (GE Betz of East Hills NY) provides personnel that add biocides to cooling tower water using an automatic dispensing system. Maintenance and housekeeping staff do not apply pesticides at the facility.

Pesticide application for all but one of the Rehabilitation Centers is the responsibility of the landlord. Bellflower Landscaping of Riverhead, NY provides pesticide application services to St Charles at the Riverhead Rehab Center in Riverhead NY.

Programs	Findings
40 CFR 160 Good Laboratory Practice Standards	Not Applicable
40 CFR 162 State Registration of Pesticide Products	Not Applicable
40 CFR 170 Worker Protection Standard	No Findings
40 CFR 171 Certification of Pesticide Applicators	No Findings
40 CFR 172 Experimental Use Permits	Not Applicable

IV. Solid and Hazardous Waste Programs

St. Charles typically generates less than 2,200 pounds per month of non-acute hazardous waste and would qualify as Small Quantity Generator (SQG) of Resource Conservation and Recovery Act (RCRA) hazardous waste. Records review and interviews indicate that the largest component of the hospital's hazardous waste stream is generated in the laboratory. Xylene and alcohol are collected in the laboratory for off-site transportation and disposal by an EPA-licensed hazardous waste transporter, Chemical Pollution Control, Inc. of Bay Shore, NY. Other hazardous wastes generated include outdated chemical products in the laboratories, waste oil-based paint and solvents in the Engineering Department and waste mercury in Housekeeping.

St. Charles accumulates universal waste in the form of used fluorescent lamps and certain battery types and stores these materials on-site in limited access areas prior to off-site transport and recycling. Used oil is collected in labeled 55-gallon drums and stored in designated locations prior to off-site transport and recycling by Dunrite Oil Services of Farmingville NY.

NYSDEC has authorized Suffolk County to administer its petroleum bulk storage program for facilities located in Suffolk with aggregate storage capacities of 1,100 gallons or more. In addition, the USEPA underground storage tank (UST) regulations apply to USTs containing petroleum for uses other than heating and emergency generators on the premises. Underground petroleum bulk storage consists of eight USTs ranging in size from 1,000 to 10,000 gallons. The active USTs contain No. 2 fuel oil to service the boilers, diesel fuel to service the emergency power generators and gasoline to service an on-site pump that fuels hospital vehicles. A 5,000 gallon UST off-site at the vacant E&T Center stores No.2 fuel oil that services the boiler at that location. One former UST, a 2,500 gallon tank storing diesel fuel for the "south generator", was abandoned-in-place in late 2003 or early 2004. Abandonment was performed by Tyree Brothers Environmental Services, Inc of Farmingdale, NY. Table 2 below is a listing of the active USTs currently on-site at St. Charles:

Table 2 - St. Charles USTs

Tank #	Location	Capacity (gal)	Contents	Construction
1	Power plant	10,000	No. 2 fuel oil	Fiberglass reinforced plastic (FRP)
2	Power plant	10,000	No. 2 fuel oil	FRP
3	Cogen	6,000	Diesel fuel	FRP
4	E, N, S generator	6,000	No. 2 fuel oil	FRP
5	1907, 1928 generator	2,500	No. 2 fuel oil	FRP
6	Power plant	1,000	Gasoline	FRP
7	Cottage	1,000	No. 2 fuel oil	Single wall steel
8	Convent	1,000	No. 2 fuel oil	Single wall steel

Programs	Findings
40 CFR 280 Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST)	1 Finding

Citation	Description of Non-Compliance	Corrective Action
4. 40 CFR 280.20(e)(6)	USTs are not properly labeled.	<p>Provide a conspicuously displayed and permanently affixed label to the fill ports of the USTs with the following information:</p> <ul style="list-style-type: none"> • Manufacturer's statement that says "This tank conforms to 6 NYCRR Part 614" • The standard of design by which the tank was manufactured • The petroleum products and percentages of volume of petroleum additives which may be stored permanently and compatibility with the tank, or reference to a list available from the manufacturer which identifies products compatible with all tank materials • The year in which the tank was manufactured • The dimensions, design and working capacity and model number of the tank • The name of the tank manufacturer <p>Have identified tanks and dates. Need more time.</p>

Two minor findings

Programs	Findings
40 CFR 260 Hazardous Waste Management System: General (Part 370, 6 New York – Code of Rules and Regulations ("6 NYCRR"))	No Findings
40 CFR 261 Identification and Listing of Hazardous Waste (6 NYCRR Part 371)	3 Findings
40 CFR 262 Standards Applicable to Generators of Hazardous Waste (6 NYCRR Part 372))	6 Finding
40 CFR Part 265 Interim Status Standards for Owners/Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (Subpart 373-3, 6 NYCRR)	2 Findings
40 CFR 266 Standards for Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities (Subpart 374-1, 6 NYCRR)	Not Applicable

Programs	Findings
40 CFR 268 Land Disposal Restrictions (Part 376, 6 NYCRR)	3 Findings

Citation	Description of Non-Compliance	Corrective Action
5. 40 CFR 261.11 and 6 NYCRR 371.1 (d) and (e)	There is no procedure to identify and segregate hazardous solid and liquid wastes from non-hazardous wastes at St. Charles. Examples of uncharacterized waste include chemotherapeutic chemicals generated in the pharmacy and waste fluorescent lamps and certain battery types in some areas of the hospital and at the Rehabilitation Centers..	Establish a procedure for identification of solid and liquid waste streams at St. Charles and segregation of RCRA hazardous from non-hazardous wastes at all generation points in the hospital. Need more time.
6. 40 CFR 261.5(e) and 6 NYCRR 371.1 (f)(I)	There is no procedure in place to accurately confirm St. Charles hazardous waste generator status.	Establish a procedure to track the total amount of hazardous waste generated on a monthly basis from all generation points throughout St. Charles. Document the monthly generation of hazardous waste to continuously monitor and confirm RCRA hazardous waste generator status.
7. 40 CFR 261.7(b)(2) and 6 NYCRR 371.1 (h)(1)(ii)	St. Charles does not have a process in place to ensure spent aerosol containers are completely empty of hazardous wastes prior to disposal as scrap metal.	Establish a procedure to puncture and empty the contents of aerosol containers prior to disposal as scrap metal.
8. 40 CFR 262.23(a)(3) and 6 NYCRR 372.2 (b)(3)	St. Charles does not always send manifest copies to the generating state and receiving state.	Establish a procedure to distribute copies of the manifest as specified on the manifest form, postmarked within five (5) business days of the shipment date.
9. 40 CFR 262.34(a)(2) and 6 NYCRR 372.2 (a)(8)(i)(a)(2)	Hazardous waste containers stored in various locations throughout St. Charles (including satellite accumulation areas (SAAs) in the laboratory, the 180-day storage area, and the waste solvent drum at the parts washer in the shop) are not properly labeled with content identity and the words "Hazardous Waste"	Affix standard Hazardous Waste labels (showing contents and hazard information) to containers storing hazardous waste. Include content descriptions (e.g., "WASTE XYLENE") on labels.
10. 40 CFR 262.34(a) and 6 NYCRR 373-1.1 (d)(1)(iii)(c) (2)	The initial date of waste accumulation are not marked on hazardous waste containers.	Establish a procedure to clearly mark the initial date of waste accumulation on all hazardous waste containers to ensure that such waste is shipped off-site within 180 days.

Citation	Description of Non-Compliance	Corrective Action
11. 40 CFR 262.34 (d)(5)(ii) and 6 NYCRR 372.2 (a)(8)(iii)(e)	The name of the Emergency Coordinator, telephone number and emergency procedures are not posted near a telephone at the 180-day storage area.	Post a sign or placard near a telephone at the hazardous waste accumulation area indicating the name and telephone number of the Emergency Coordinator, the location of fire extinguishers and spill control material and telephone number of the fire department, if St. Charles does not have a direct alarm.
12. 40 CFR 262.40(c) and 6 NYCRR 372.2(c)(1)(iii)	St. Charles does not maintain sufficient records of waste analyses.	Establish a procedure to maintain records of any test results, waste analyses, or other determinations in accessible files for 3 years
13. 40 CFR 262.42(a) and 6 NYCRR 372.2 (c)(3)	St Charles does not comply with exception reporting requirements.	Establish a procedure to contact the transporter and/ or the owner of the designated facility in the event St. Charles does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter to determine the status of the hazardous waste. In addition, St. Charles procedures should include submittal of Exception Reports to the EPA Regional Administrator if it has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.
14. 40 CFR 265.16(a)(1) and 6 NYCRR 372.2 (b)(l)	Hospital staff who sign hazardous wastes manifests have not been officially designated and trained in the proper completion of hazardous wastes manifests and their responsibilities to certify the manifest is complete and accurate.	Establish a procedure to designate specific individuals to sign hazardous wastes manifests and provide training on proper completion of the manifests as specified in Appendix 30 of 6 NYCRR 372.
15. 40 CFR 265.174 and 6 NYCRR 379-3.9 (a)	Hazardous waste container accumulation area at St. Charles are not inspected weekly for leaks or corrosion.	Establish a procedure to conduct and document weekly inspections of containers located in hazardous waste storage areas throughout St. Charles.
16. 40 CFR 268.7(a)(1) and 6 NYCRR 371.1 (d) and (e)	St. Charles has not determined whether its hazardous waste is restricted from land disposal.	Establish a procedure to request from transporter completed forms that confirm that disposal methods comply with Land Disposal Restriction (LDR) program requirements for all hazardous waste generated. Maintain completed LDR forms in accessible files for 3 years.

Citation	Description of Non-Compliance	Corrective Action
17. 40 CFR 268.7(a)(3) and 6 NYCRR 372.2 (b)(2)(i)	Written confirmation from the designed treatment storage and disposal (TSD) facility that it is authorized and has the capacity to assure St. Charles that it will properly dispose of its hazardous waste is not available.	Obtain written confirmation from the TSD facility that it has EPA/NYSDEC authorization and capacity to properly dispose of hazardous waste from St. Charles.
18. 40 CFR 268.7(a)(3) and 6 NYCRR 372.2 (b)(2)(ii)	Written confirmation from the transporter that it is authorized to deliver hazardous waste from St. Charles to the designated TSD facility is not available onsite.	Obtain written confirmation from the transporter that it has EPA/NYDEC authorization to deliver hazardous waste from St. Charles to the designated TSD facility.

Programs	Findings
40 CFR 273 Standards for Universal Waste Management (Subpart 374-3, 6 NYCRR)	4 Findings

Citation	Description of Non-Compliance	Corrective Action
19. 40 CFR 273.6	St. Charles have not determined if it is a Small Quantity Handlers of Universal Waste or Large Quantity Handlers of Universal Waste.	Establish a procedure to track the amount of universal waste accumulated on-site to continuously monitor and confirm RCRA universal waste handler status. Need more time
20. 40 CFR 273.14(a), 6 NYCRR 374-3.1(b)	At the Rehab Centers and some areas of the Hospital, waste fluorescent lamps and waste batteries are not stored in covered containers with required labels.	Recommend St. Charles establish a procedure to accumulate universal waste in covered and properly labeled (e.g., used lamps would be labeled "Universal Wastes – Fluorescent Lamps", "Used Lamps" or "Waste Lamps") containers. Need more time
21. 40 CFR 273.14, 6 NYCRR 374.3.2(f)(3)	St. Charles has no procedure to record the initial date of accumulation of waste batteries to ensure they are not stored onsite for greater than one year.	Mark each container of universal waste with the initial date of accumulation. Develop a procedure to ensure universal waste is transported for off-site recycling within one year of initial date of accumulation using a qualified recycler with an EPA ID number. Need more time

Citation	Description of Non-Compliance	Corrective Action
22. 40 CFR 273.14, 6 NYCRR 374- 3.2(g)	St. Charles staff who handle universal waste (waste lamps, batteries, and mercury) have not been trained in proper handling and emergency response procedures.	Establish a procedure to train all staff who handle universal waste in proper handling and emergency response procedures. Need more time

Program	Findings
40 CFR 279 Standards for Management of Used Oil	No Findings

V. Hazardous Substances and Chemicals, Environmental Response, Emergency Planning and Community Right-to-Know Programs

St. Charles is required to comply with EPA Emergency Planning and Community Right-to-Know Act (EPCRA) regulations. Small quantities of numerous hazardous chemicals are used for hospital operations, including xylene, acetone and alcohols. Fuel oil is stored in quantities that exceed reporting thresholds.

Program	Findings
40 CFR 302 Designation, Reportable Quantities and Notification	No Findings
40 CFR 355 Emergency Planning and Notification	1 Finding

Citation	Description of Non-Compliance	Corrective Action
23. 40 CFR 355.30	St. Charles does not maintain a comprehensive facility-wide chemical inventory that documents quantities to determine if it has extremely hazardous substances (EHSs) above the threshold planning quantities (TPQs) which would require notification to the Local Emergency Planning Committee (LEPC), the New York State Emergency Response Commission (NYSERC) and the local fire department.	<ul style="list-style-type: none"> Establish a procedure to maintain an annual chemical inventory that aggregates all individual department chemical inventories so that total quantities of chemicals onsite can be determined in pounds. Once the inventory of chemicals is known, determine if any extremely hazardous substances (EHS) are onsite above the chemical's threshold planning quantity shown in 40 CFR 355, Appendices A&B. If any EHSs above their TPQs are at St. Charles, submit a notification to NYSERC and the LEPC also providing the name of St. Charles emergency coordinator.
		Need more time

Program	Findings
40 CFR 370 Community Right-to-Know Reporting	2 Findings

Citation	Description of Non-Compliance	Corrective Action
24. 40 CFR 370.21	St. Charles has not submitted to the LEPC, the NY State Emergency Response Commission (NYSERC) and the local fire department an MSDS for each hazardous chemical or a list of hazardous chemicals present on-site in amounts greater than 10,000 pounds. Similarly submissions have not been made for any EHSs in amounts greater than 500 pounds or their TPQs, whichever is lower.	<p>Establish a procedure to submit copies of MSDSs or a list for hazardous chemicals present in excess of 10,000 pounds or EHSs present in excess of 500 pounds or the TPQ to the LEPC, NYSERC and the local fire department.</p> <p>NYSERC contact: State Emergency Management Office 1220 Washington Avenue, Building 22 Albany, NY 12226 Attention: Mr. Lee Battles</p> <p>Suffolk County LEPC contact: Fire Rescue/Emergency Services Yaphank Avenue PO Box 127 Yaphank NY 11980 Attention: Mr. Dave Fischler (631)852-4850, (631)852-4861 fax</p> <p>Need more time</p>
25. 40 CFR 370.25	St. Charles has not submitted to the NYS Department of Environmental Conservation, NYSERC, LEPC and the local fire department TIER Two chemical inventory reports annually by March 1 st for hazardous chemicals onsite in amounts greater than 10,000 pounds or EHSs present in excess of 500 pounds or the TPQ.	<p>Establish a procedure to prepare and submit TIER Two chemical inventory reports annually by March 1st to the DEC, LEPC, NYSERC and the local fire department for any hazardous chemicals present in excess of 10,000 pounds or any EHSs present in excess of 500 pounds or its TPQ, whichever is lower. Fuel oil is above the 10,000-pound threshold quantity and must be reported on future TIER Two reports.</p> <p>NYSDEC contact: NYS Dept of Env Conservation Division of Environmental Remediation 625 Broadway Albany, NY 12230-7020 Attention: Mr. Ed Califano</p> <p>Need more time</p>

Program	Findings
40 CFR 372 Toxic Chemical Release Reporting	No Findings

VI. Toxic Substances Programs

Asbestos containing material (ACM) is present in the form of tank, pipe and pipe fitting insulation as well as spray-applied fireproofing in various locations throughout the facility. Multiple asbestos removal projects at the facility have removed accessible materials but residual ACM remains. When major construction projects are planned at St. Charles, a licensed asbestos abatement contractor is used to abate any affected ACM prior to project commencement.

Programs	Findings
40 CFR Part 763 Asbestos	No Findings

St. Charles or the local electric utility (Long Island Power Authority) own all transformers on site, one or more of which may contain polychlorinated biphenyls (PCBs) in regulated concentrations. St. Charles does not own or manage residential or child-occupied "target housing" that would be subject to lead-based paint notification requirements for tenants.

Programs	Findings
40 CFR 745 Lead Based Paint Poisoning Prevention in Certain Residential Structures	No Findings
40 CFR 761 PCB Manufacturing, Processing, Distribution in Commerce and Use Prohibitions	1 Finding

Citation	Description of Non-Compliance	Corrective Action
26. 40 CFR 761.20	St. Charles has not conducted an inventory of on-site transformers or capacitors (e.g., cogen transformer) to determine if they contain PCBs in regulated concentrations.	<p>Conduct an inventory of on-site transformers or capacitors and establish PCB status. Transformers manufactured prior to July 2, 1979 (or date unknown) filled with fluid oil and which PCB concentration has not been established must be assumed to be PCB transformers.</p> <p>Label PCB transformers, register with EPA, and inspect for integrity every 3 months. Maintain records for the life of the transformer plus 3 years. In addition, stringent disposal and recordkeeping requirements apply in the event PCB transformers are disposed.</p> <p>Need more time</p>

